



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF \_\_\_\_\_ JULY/AUGUST \_\_\_\_\_ 2000

CODE AND NAME OF COURSE: LA12B LAW OF CONTRACT I

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

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Answer **THREE** questions.

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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## SECTION A

1. Write brief notes on any **TWO** of the following:
  - (i) Counter-offers.
  - (ii) The communication of acceptance.
  - (iii) Intention to create legal relations.
  - (iv) The condition precedent.
  - (v) The doctrine of privity.
2. Critically analyse the implication of terms into a contract.
3. "There is no good reason why the performance of a pre-existing duty should not constitute sufficient consideration."

Discuss.

## SECTION B

4. On Monday, Tanya advertises her set of golf clubs for sale in the local newspaper for \$1200. The ad states that the clubs will be sold to the first person who brings the money in cash to her house on the Friday evening by six o'clock. On that evening, Venice turns up with \$110 (a \$50 and 3 \$20's) but Tanya refuses to sell to him. When she sees Wanda coming up the path, Tanya purports to withdraw from the arrangement. Yves is informed by Tanya that she never intended to sell the clubs, but merely wanted to see who was interested, while Zina comes to the house at 6.15pm and Tanya refuses to sell to her.

Advise Tanya.

PLEASE TURN OVER

5. Alec has had his hair cut by James, the barber on about five to six occasions previously. On the mirror, in front of the barber's chair there is a notice in capital letters which states, "*I will accept no liability for any damage of any kind whatsoever caused to patrons of this shop.*" Once, when Alec asked him what the sign meant, James replied that it only meant Alec could not sue if Alec did not like his haircut. Last week, after Alec paid for his haircut, James handed him a receipt. Alec placed it in his pocket without reading it. Yesterday, he was told by his doctor that he had contracted a severe case of dermatitis owing to James's negligence in failing to sterilise his instruments properly for his last haircut. On reading the back of the receipt, Alec sees that it is headed "Conditions" and includes, *inter alia*, the following clause:

*Liability for any injury or loss sustained as a result of any hair treatment is hereby excluded.*

Advise Alec.

6. Analyse any **ONE** of the following statements with reference to decided cases.
- (i) "Silence can never amount to acceptance".
  - (ii) "An agreement that is too vague cannot be enforced.
  - (iii) "The parol evidence rule will not be permitted to work an injustice."

**END OF PAPER**